

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CAROL GESCHKE,) CASE NO. C08-0323-MAT
)
Plaintiff,)
)
v.) ORDER RE: PLAINTIFF'S MOTION
)
MICHAEL J. ASTRUE, Commissioner) TO AMEND AND FOR COPY OF
of Social Security, and SOCIAL SECURITY) CASE FILE
ADMINISTRATION,)
)
Defendants.)

Plaintiff filed a motion to amend her complaint to add a claim for attorneys' fees under the Equal Access to Justice Act, and to direct defendants to provide a copy of the case file in *M.D. Medical Supplies v. Shalala*, C98-1548L. (Dkt. 13.) Having considered plaintiff's motion and defendants' response (Dkt. 14), it is hereby ORDERED:

(1) Defendants did not oppose plaintiff's request to amend, noting that, pursuant to Federal Rule of Civil Procedure 15(a)(1)(A), plaintiff is permitted to amend her complaint once as a matter of course before a responsive pleading is filed. Plaintiff has since filed her amended complaint. (*See* Dkt. 17.) Accordingly, the Court STRIKES plaintiff's request to amend as

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01 moot.¹

02 (2) Defendants cited and provided a copy of an order in the *M.D. Medical Supplies*
03 case in their pending motion for a protective order. (*See* Dkts. 5 and 6, Ex. D.) Plaintiff initially
04 sought an order from the Court requiring defendants to provide her with a copy of the entire file
05 for that case. However, defendants noted that the case file was available for review at the Clerk's
06 Office and plaintiff subsequently indicated that she had ordered a copy of the file (*see* Dkt. 16).
07 As such, the Court likewise STRIKES plaintiff's request for a copy of the case file as moot. Also,
08 both plaintiff's contention that defendants should not be allowed to present any arguments using
09 the *M.D. Medical Supplies* case until she has had an opportunity to review the entire file and her
10 request to strike the declaration of Tracy Ung (*see* Dkt. 15) are DENIED as unnecessary.

11 (3) The Clerk shall send copies of this Order to the parties.

12 DATED this 15th day of April, 2008.

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14 
15 Mary Alice Theiler
16 United States Magistrate Judge
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21 ¹ Plaintiff also raised an issue regarding the timing of defendants' response to her amended
22 complaint. This issue is also moot given that defendants have timely filed their answer and the
administrative record. (*See* Dkts. 19 & 20.)